

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MASSACHUSETTS

JOSEPH PETER SCHMITT,

v.

JEFFREY SMITH, et al.

Defendants.

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C.A. No. 2004-10451-RWZ

MOTION OF DEFENDANT MASSACHUSETTS DEPARTMENT OF CORRECTION
FOR EXEMPTION FROM LOCAL RULE 7.1 REQUIREMENT
OF MOTION CONFERENCE

Now comes the above-named defendant Department of Correction, by and through undersigned counsel, and moves this Honorable Court for an exemption from the requirements of Local Rule 7.1(A)(2) for its accompanying *Motion To Enlarge Time To File A Responsive Pleading*. As grounds, the defendant states that the *pro se* plaintiff in this action is in the lawful custody of the Massachusetts Department of Correction. The issues presented by the attached motion are straightforward, and no purpose would be served by conferring with the *pro se* plaintiff. Furthermore, plaintiff's status as a *pro se* incarcerated individual makes compliance with the Local Rule unduly burdensome, especially given these circumstances.

WHEREFORE, the defendant respectfully requests that its motion be GRANTED.

Respectfully submitted,

Defendant Department of Correction

By its attorneys:

NANCY ANKERS WHITE
Special Assistant Attorney General

/s/ Philip W. Silva
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I hereby certify that a true copy of the above document was served upon each party appearing pro se by mail on November 10, 2004.

/s/ Philip W. Silva
Philip W. Silva, Esq.